

## Message Text

LIMITED OFFICIAL USE

PAGE 01 PORT M 01130 240604Z  
ACTION DLOS-09

INFO OCT-01 EA-10 ISO-00 ACDA-12 AGRE-00 AID-05 CEA-01  
CEQ-01 CG-00 CIAE-00 COME-00 DODE-00 DOTE-00  
EB-08 EPA-01 SOE-02 DOE-15 FMC-01 TRSE-00 H-01  
INR-10 INT-05 IO-13 JUSE-00 L-03 NSAE-00 NSC-05  
NSF-01 OES-09 OMB-01 PA-01 PM-05 SP-02 SS-15  
ICA-11 /148 W

-----034684 240613Z /16

R 240230Z JUL 78

FM AMEMBASSY PORT MORESBY  
TO SECSTATE WASHDC 3505  
INFO AMEMBASSY CANBERRA  
AMEMBASSY SUVA  
AMEMBASSY WELLINGTON  
CINCPAC HONOLULU HI

LIMITED OFFICIAL USE PORT MORESBY 1130

CINCPAC FOR POLAD

E.O. 11652: N/A

TAGS: EFIS, PLOS, PP

SUBJECT: U.S. LAW ON HIGHLY MIGRATORY SPECIES

1. LEGAL ADVISOR DABB AND FISHERIES DIRECTOR WILSON PULLED CHARGE' ASIDE AT JULY 21 RECEPTION AND SAID PNG HAD GOOD CASE WITH WHICH TO GO TO INTERNATIONAL COURT AND CHARGE U.S. WITH VIOLATING INTERNATIONAL LAW WITH RESPECT TO HIGHLY MIGRATORY SPECIES. CHARGE' REPLIED THAT PNG MIGHT HAVE A CASE AGAINST U.S. TUNA BOATS IF THEY WERE TO VIOLATE PNG LAW BUT THAT THERE WOULD BE NO CASE AGAINST USG.

2. ACCORDING TO DABB, IF U.S. FISHING VESSELS WERE TO BE SEIZED AND U.S. WERE TO APPLY SANCTIONS (PROHIBITING IMPORTATION OF PNG TUNA) UNDER MAGNUSON ACT, USG WOULD BE LIMITED OFFICIAL USE

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IN VIOLATION OF GATT. WILSON FOLLOWED WITH ARGUMENT THAT U.S. LAWS ON HIGHLY MIGRATORY SPECIES ALSO INDEFENSIBLE AS THEY INCLUDED TUNA BUT EXEMPTED MARLIN, ALSO A HIGHLY MIGRATORY SPECIES.

3. IT OBVIOUS DABB AND WILSON FEEL STRONGLY THAT U.S. LAW MORALLY AND LEGALLY INDEFENSIBLE AND THAT U.S.

VIRTUALLY ALONE IN ITS STANCE. IT NOT CLEAR WHETHER  
THEY WILL TRY TO GET GPNG TO TAKE ISSUE TO INTERNATIONAL  
COURT OR OTHER FORUM. IN MEANTIME, THEY HAVE RECOMMENDED  
THAT GPNG ACCOMMODATE U.S. TUNA FISHERS FOR THE PRESENT.

4. ACTION REQUESTED: WOULD APPRECIATE DEPARTMENT'S  
VIEWS ON DABB'S CHARGE THAT MAGNUSON ACT SANCTIONS  
ILLEGAL UNDER GATT. ALSO, IS THERE ANY SUITABLE RESPONSE  
TO WILSON'S POINT ON MARLIN/TUNA RELATIONSHIP?  
OLSON

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NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** LAW  
**Control Number:** n/a  
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**Draft Date:** 24 jul 1978  
**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 20 Mar 2014  
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**Disposition History:** n/a  
**Disposition Reason:**  
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**Original Handling Restrictions:** n/a  
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**Original Previous Handling Restrictions:** n/a  
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**Review Markings:**  
Sheryl P. Walter  
Declassified/Released  
US Department of State  
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20 Mar 2014  
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